

South Somerset District Council

Minutes of a meeting of the **Licensing Committee** held on **Tuesday 4th December 2007** in the Main Committee Room, Council Offices, Brympton Way, Yeovil.

(11.30 am – 12.30 pm)

Present:

Members: Nigel Mermagen (In the Chair)

Simon Bending	Peter Roake
Dave Bulmer	Alan Smith
Tony Fife	Martin Wale
John Hann	William Wallace
David Recardo	

Officers:

Julia Bradburn	Principal Licensing Officer
Angela Oxenbury	Committee Administrator
Nigel Marston	Licensing Enforcement Officer

22. Minutes (Agenda Item 1)

The minutes of the meetings held on Tuesday 3rd April, Tuesday 9th October, Friday 19th October and Friday 2nd November were approved as a correct record and signed by the Chairman.

23. Apologies for absence (Agenda Item 2)

Apologies for absence were submitted on behalf of Councillors John Vincent Chainey, Roy Mills, Keith Ronaldson, Linda Vijeh and Lucy Wallace.

24. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

25. Insulin Diabetes Policy for Hackney Carriage and Private Hire Drivers (Agenda Item 4)

The Committee was addressed by Mr Lock, a taxi driver, who said he had held a licence for 2½ years but that had been withdrawn because he needed to take insulin. He had contacted Diabetes UK and they had agreed with the Department for Transport guidance that licences could be granted if C1 standards were met. He explained that C1 licences were granted after applicants had successfully undertaken a strict medical.

The Chairman read from a letter from Diabetes UK provided by Mr Lock. They expressed the hope that local authorities would adopt individual medical assessments because in their opinion many people with diabetes were fit to drive taxis and should not be denied the opportunity to earn a living.

The Principal Licensing Officer confirmed that the Council had adopted the higher Group 2 medical standards for all taxi drivers. She asked the Committee to consider changing that policy to allow drivers with insulin treated diabetes to apply for licences providing

they met the criteria outlined in the report and could satisfy all other licensing requirements.

During discussion, members expressed the view that a consultant's fee would be rather high for a driver to pay. They indicated their acceptance of the recommendation and the six criteria set out in the report but questioned whether it was necessary to require an insulin treated driver to visit a consultant when GP surgeries had specialist diabetes nurses.

Mr Lock confirmed that every GP practice contained a diabetes nurse whom people with diabetes consulted every six months.

Members agreed the recommendation and the adoption of the criteria a) to f), subject to the requirement that a specialist medical adviser be consulted twice a year.

RESOLVED: that Drivers with insulin diabetes who are applying for hackney carriage or private hire licences, and existing licensed Hackney Carriage and Private Hire drivers who develop insulin treated diabetes should be treated as "Exceptional cases" in relation to this medical condition, provided that they have no significant complications, can meet the criteria that the individual must:

- a) not be able to apply for a taxi driving licence or in the case of an existing licensed driver not to drive a licensed taxi until their condition has been stable for a period of at least one month;
- b) not have had any hypoglycaemic attacks requiring assistance whilst driving within the previous 12 months;
- c) regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. The advice is the use of memory chip meters for such monitoring;
- d) arrange to be examined every 12 months by a hospital consultant who specialises in diabetes. At the examination the adviser will require sight of their blood glucose records for the last 3 months;
- e) have no other condition which would render the driver a danger when driving C1 vehicles or hackney carriages and private hire vehicles;
- f) sign an undertaking to comply with the directions of the doctor(s) or specialist medical adviser treating the diabetes, visited at least every 6 months, and report immediately to South Somerset District Council any significant change in their condition;

and can otherwise satisfy all the other licensing requirements set by legislation and South Somerset District Council.

Julia Bradburn, Principal Licensing Officer, 01935 462113

26. Fees for Temporary Use Notices (Agenda Item 5)

The Principal Licensing Officer advised that the requirement for Temporary Use Notices (TUNs) had been overlooked by the Government until recently. The regulations gave local authorities discretion to charge a fee of up to £500 for TUNs. It was proposed to apply the same criteria of 85% as for other discretionary fees under the Gambling Act. Therefore a fee of £425 was to be recommended by all licensing authorities in Somerset.

The Principal Licensing Officer informed the Committee that the TUNs would involve much work for the Licensing Team and would apply to events such as casino nights. She confirmed that charities would be exempt from the regulations.

Members agreed that a fee of £425 be set.

RESOLVED: that a fee of £425 for Temporary Use Notices be set.

Julia Bradburn, Principal Licensing Officer, 01935 462113

27. Introduction of Driving Standards Agency Private Hire and Hackney Carriage Drivers Assessments (Agenda Item 6)

The Principal Licensing Officer presented the report and said the introduction of driver assessments would ensure consistent standards for drivers across the district. The Driving Standards Agency (DSA) had recently set up a testing station in Yeovil and drivers would be responsible for arranging the test and meeting the cost of £58.

The Principal Licensing Officer confirmed that drivers would be able to use the test certificate anywhere in the country and it would enable them to obtain lower insurance premiums. It was proposed to require the DSA test for all new taxi drivers from 1st April 2008.

In response to members' questions, the Principal Licensing Officer advised that:

- The standard for the DSA test was not as high as the advanced driving test.
- Drivers could be requested to take a test to retain their licence.
- The Licensing Team were looking towards achieving a standard for taxi drivers similar to "the knowledge" and were hoping to find someone locally to write the required questions.

RESOLVED:

1. that the requirement for all new private hire and hackney carriage drivers to attain a pass in the Driving Standards Agency taxi test and assessment before their application is considered by the Council be adopted.
2. that the new policy comes into effect on 1st April 2008.

Julia Bradburn, Principal Licensing Officer, 01935 462113

28. Fare Increase for Hackney Carriage (Agenda Item 7)

The Principal Licensing Officer reported that there had been a poor response to the consultation questionnaire sent to hackney carriage operators and drivers. Just 8% had responded and of those 63% had suggested a fare increase. This was considered to be an insufficient sample and no increase in fares was recommended.

The Principal Licensing Officer informed the Committee that there had been a substantial increase in taxi fares in 2005 and that fares in South Somerset were about average nationally.

Members expressed surprise at the low response to the questionnaire and agreed that fares should not be increased in 2008-09.

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RESOLVED: that there be no taxi fare increase for the financial year 2008-2009 and that the fare increase be reviewed again in October 2008.

Julia Bradburn, Principal Licensing Officer, 01935 462113

29. Licensing Sub-Committees (Agenda Item 8)

The Committee agreed that the rota provided a useful framework for the meetings when required and offered a fair distribution of members for the sub-committees. It was suggested that, whenever possible, sub-committees should be arranged on the same day as meetings of the Licensing Committee when members would be at the Council offices.

RESOLVED: that the Licensing Sub-Committees continue on a rota basis and that the rota for the remainder of the municipal year 2007-08 be agreed.

Angela Oxenbury, Committee Administrator, 01935 462703

30. Date of next meeting (Agenda Item 9)

Members noted that the next meeting of the Licensing Committee would take place on Tuesday 5th February 2008 at 10am in the Council Chamber, Brympton Way.

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Chairman